

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES,

v.

DECISION AND ORDER  
12-CR-212

HARESHKUMAR PATEL and  
PANKAJKUMAR PATEL,  
Defendants.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. for supervision of all pre-trial proceedings. On February 19, 2013, Magistrate Judge Schroeder issued a Decision and Order denying defendants Hareshkumar Patel and Pankajkumar Patel's motions for a bill of particulars. (Dkt. No. 46) On March 5, 2013, defendants filed an appeal of the Magistrate Judge's Decision and Order. (Dkt. No. 47) The Government filed a response on April 11, 2013 and defendants submitted a reply on April 17, 2013. (Dkt. Nos. 49 and 50) Oral argument was held before this Court on May 2, 2013.

Pursuant to 28 U.S.C. §636(b)(1)(A), the district court "may reconsider any pretrial matter under this subparagraph (A), where it has been shown that the magistrate's order is clearly erroneous or contrary to law." *Id.* The Court has carefully reviewed Magistrate Judge Schroeder's Decision and Order denying defendants' request for a bill of particulars, as well as the submissions of the

parties. Upon such review and after hearing oral argument from counsel, the Court finds that Magistrate Judge Schroeder's Decision and Order is neither clearly erroneous nor contrary to law. Accordingly, the Court affirms the Decision and Order in its entirety.

Defendant Hareshkumar Patel's motion to sever remains pending. (Dkt. No. 36, pgs. 47-52). Defendant Hareshkumar Patel shall submit additional briefing in support of his motion to sever on or before June 14, 2013. The Government shall file a response by June 28, 2013 and defendant shall file a reply, or notice of no reply, on or before July 8, 2013. If defendant Hareshkumar Patel does not intend to pursue the motion to sever, counsel for defendant is instructed to contact chambers immediately to schedule either a status conference or a meeting to set a trial date, in order to ensure that time does not elapse under the Speedy Trial Act.

SO ORDERED.

*s/ Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: May 31, 2013